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OFFICE OF PETITIONS

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

APPLICANT: Preston A. Tanner

ATTY DOC#: A310170.1US

SERIAL No.: 10/8712,838

ART UNIT: 3721

FILING DATE: 11/13/2003

EXAMINER: Durand, Paul R.

TITLE: METHOD AND APPARATUS FOR INSTALLING A CARPETING TACK STRIP

Mail Stop: 313 (c)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AUTHORIZATION TO CHARGE FEES TO DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge the \$60 Extension fee and the \$395 Request for Continued Examination fee or any additional filing fees or credit any overpayment to deposit account 50-2346.

Respectfully submitted,

H. Roy Berkenstock
Reg. No. 24,719
WYATT, TARRANT & COMBS, LLP
1715 Aaron Brenner Drive, Suite 800
Memphis, TN 38120-4367
(901) 537-1108

Date: June 21, 2005



Handwritten signature/initials and a large 'X' mark.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

Preston A. Tanner

Filed: **November 13 2003**

Serial No. **10/712,838**

For: **METHOD AND APPARATUS FOR
INSTALLING A CARPETING
TACK STRIP**

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Art Unit: **3721**

Examiner: **Durand, Paul R.**

Attorney Docket No.: **A310170.1US**

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REQUEST FOR CONTINUED EXAMINATION UNDER 37 CFR § 1.114
AMENDMENT UNDER 37 CFR § 1.111

Commissioner for Patents
Mail Stop 313(c)
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant requests continued examination of the above identified application under 37 CFR § 114 and encloses herewith an amendment responsive to the Office Action issued February 24, 2005. Applicant appreciates the thorough review of the subject of the invention and the assessment of the prior art.

Applicant also requests a one month Extension of Time to extend the time for response to June 24, 2005. Authorization is provided to charge the fee of \$60 to Deposit Account No. 502346.

In the Claims

Applicant proposes to amend the claims by canceling claims 21, and 2 through 13 and adding new claims 22 through 28. The status of the claims and the new claims are provided on separate pages, for scanning.

07/15/2005 MAHMED1 00000030 502346 10712838
01 FC:2801 395.00 DA
07/15/2005 MAHMED1 00000030 502346 10712838
02 FC:2251 60.00 DA

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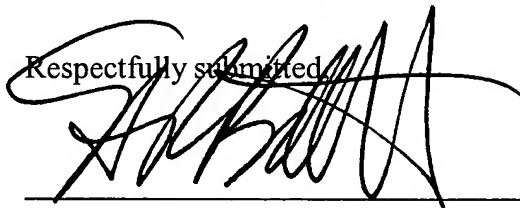
Applicant encloses a Deposit Account charge authorization for the RCE fee.

Applicant has rewritten cancelled claim 21 to include the additional elements of the invention which distinguish it over the references cited by the Examiner. Applicant now recites the structure of the carpet tack accommodating portion in respect of the spacer which engages the vertical support when the apparatus is in proper position for the tack strip to be nailed. The inventive structure allows a tack 96 of the tack strip to be nailed to be engaged by the carpet tack accommodating portion 26, with the strip contained within the channel 34. As recited in the claim, the portion 26 is set at a predetermined distance from the exterior of the base portion, such that the apparatus may be used to position the tack strip and then subsequently accomplish the setting of the engaged nail of the tack strip. Careful review of Clifford and Copeland does not describe or illustrate the combined features now claimed, nor do any of the other teaching references such as Henning, Hilti or any of the other cited references suggest Applicant's combination of elements for a carpet laying tool.

Accordingly, Applicant believes that the Application is now in suitable form for allowance. Reconsideration by the Examiner under the RCE is respectfully requested and a Notice of Allowance solicited.

If the Examiner feels that a telephone conference with Applicant's attorney would advance the prosecution of the application, he is invited to call the undersigned at 901-537-1108.

Respectfully submitted,



H. Roy Berkenstock
Registration No. 24,719

ENCL.: Clean Version of Pending Claims

Date: June 21, 2005

WYATT, TARRANT & COMBS, LLP
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Memphis, Tennessee 38120-4367

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CERTIFICATE UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Number addressed to: Assistant Commissioner for Patents, Mail Stop 313 (c), P.O. Box 1450, Alexandria Virginia 22231-1450 on June 21, 2005.

A handwritten signature in black ink, appearing to read "H. Roy Berkenstock", written over a horizontal line.

H. Roy Berkenstock
Registration No. 24,719

Date: June 21, 2005